IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: SHINITZKY=5

In re Application of:	)	Art Unit: 1617
	)	
Meir SHINITZKY	)	Examiner: Shengjun Wang
	)	
Appln. No.: 09/936,922	)	Washington, D.C.
	)	
Date Filed: October 31, 2001	)	Confirmation No. 3023
	)	
For: PHARMACEUTICAL COMPOSITIONS COMPRISING...	)	February 18, 2004

REPLY: REQUEST FOR RECONSIDERATION

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop AF**
Crystal Plaza Two, Lobby, Room 1B03
Honorable Commissioner for Patents
Arlington, Virginia 22202

Sir:

The Final Office Action of November 19, 2003, has been carefully reviewed. The claims in the application remain as claims 1-8, 17-26 and 37, and these claims define patentable subject matter warranting their allowance. Accordingly, applicant respectfully requests favorable consideration and allowance, especially based on the interview of February 12, 2004.

Applicant wishes to thank Examiner Wang for the courtesies extended during the personal interview of February 12, 2004, attended by Mrs. Anne Kornbau, one of applicant's

attorneys. Agreement as to the allowability of applicant's claims was reached during such interview, as indicated in the PTO "Interview Summary".

The previously nonelected claims 7 and 21-24 should now be rejoined and allowed, along with the other claims. Such is respectfully requested.

Claims 1-6, 8, 17-20, 25-26 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chun et al in view of Piazza et al and Kobayashi et al. This rejection is respectfully traversed.

Submitted herewith are copies of the following articles, which were discussed during the February 12 interview:

Kugel et al., *Journal of the American Chemical Society* **89:16**, 1967;

Shinitzky et al., *European Journal of Biochemistry* **267**:2547-2554, 2000.

As shown in the Kugel et al article, the five-membered rings are very prone to hydrolysis, while the six-membered rings are much less prone to hydrolysis. The rate of hydrolysis of the five-membered ring is 1000 times faster than hydrolysis of its corresponding open phosphodiester. The

hydrolysis of the six-membered ring is at about the rate of hydrolysis for the open phosphodiester.

The Shinitzky et al article show that the six-membered ring has a biological activity ten times higher than that of the five-membered ring.

Based upon the above differences[1] between the five-membered ring and the six-membered ring, it is respectfully submitted that the six, seven, and eight membered rings, are unexpectedly different from the five-membered rings disclosed in the applied prior art.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

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[1] For the record, applicant also submits that the six, seven and eight membered ring compounds are structurally (i.e. *prima facie*) non-obvious from the five-membered ring compounds.